

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION**

MARTIN J. WALSH,
SECRETARY OF LABOR,
UNITED STATES DEPARTMENT OF
LABOR,

Plaintiff,

v.

MEDICAL STAFFING OF AMERICA, LLC,
D/B/A STEADFAST MEDICAL STAFFING,

&

LISA PITTS,

Defendants.

Case No. 2:18-cv-226

Case No. 2:19-cv-475

**DEFENDANTS’ MOTION FOR RELIEF IN CONNECTION
WITH PLAINTIFF’S TRIAL EXHIBIT PX-21, AND OPPOSITION TO PLAINTIFF’S
MARCH 11 “UPDATED BACK WAGE COMPUTATIONS”**

Defendants Medical Staffing of America, d/b/a Steadfast Medical Staffing (“Steadfast”) and Lisa Pitts (together, “Defendants”), by and through undersigned counsel, respectfully move under Fed. R. Civ. P. 52(b), 54(b), and 60(a)-(b) for an order that (a) affords Defendants sufficient time to review and evaluate the Department of Labor’s March 11 “Notice of Filing Updated Back Wage Computations,” including the attached 247-page “Exhibit A” computation table; and (b) directs the Department of Labor to review its backpay computation table entered into evidence at trial as exhibit PX-21, evaluate the issues raised in Defendants’ March 6 letter concerning PX-21, correct any errors in PX-21, create a revised and updated computation of alleged backpay, and

allow Defendants sufficient time to review the proposed final backpay calculation prior to its submission to the Court.

This requested relief should include an extension of at least 30 days in which the Department of Labor can confer with Defendants, perform a revised computation of backpay allegedly owed, and allow Defendants sufficient time to review the revised computation to ensure correction of the computation and data entry errors identified in PX-21. These errors in PX-21 include (1) charging backpay for 80 of Steadfast's W-2 employees who have already been paid overtime at 1.5x their regular rate for all overtime hours worked; (2) repeatedly taking the "hours worked" number shown in Steadfast's payroll records, and *doubling that number* when entering data in the weekly "Total Hours" column in PX-21; (3) arbitrarily increasing figures in the PX-21 weekly "Total Hours" column above the hours shown in Steadfast's corresponding payroll records, while stopping short of doubling; and (4) treating hours worked across multiple workweeks as if worked in a single workweek, thereby inflating the amount of backpay allegedly owed.

These clear errors in PX-21 must be corrected pursuant to Rules 52(b), 54(b), and 60(a)-(b) to avoid manifest injustice. In support of this motion, Defendants rely upon the attached memorandum of points and authorities.

Dated: March 13, 2022

Respectfully Submitted,

By: /s/ Abram J. Pafford
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Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of March 2022, I electronically filed this document with the Clerk of the United States District Court for the Eastern District of Virginia using the CM/ECF system which will copy of the following users:

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